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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,875	02/11/2004	Tetsuya Kagawa	2271/71529	3315

7590 09/13/2006

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EXAMINER
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BONURA, TIMOTHY M

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,875	<b>Applicant(s)</b> KAGAWA, TETSUYA	
	<b>Examiner</b> Tim Bonura	<b>Art Unit</b> 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/27/04 &amp; 6/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graichen, et al, U.S. Patent Application Publication Number 20020/174384, and further in view of Ali, et al, U.S. Patent Number 7,036,049.**

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graichen, et al, U.S. Patent Application Publication Number 20020/174384, and further in view of Ali, et al, U.S. Patent Number 7,036,049.

5. Regarding claim 1:

- a. Regarding the limitation of “network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, and output an indication of an error occurrence that is to be recognized by a user when one or more of a plurality of types of errors relating to a network communication operation occur,” Graichen discloses a system with a network of computer that are connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).
- b. Regarding the limitation of “an error/threshold occurrence number setting unit for setting and storing, for each type of the types of errors, a successive occurrence threshold number corresponding to a number of times the type of error is to occur successively before an indication of an error occurrence of the type of error is output,” Graichen discloses a data repository for storing predicted failure occurrences for an error. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).
- c. Regarding the limitation of “an error/occurrence number counting unit for counting, for each type of the types of errors, the number of successive occurrences of

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the type of error," Graichen discloses a system with a time limit representative of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015).

d. Regarding the limitation of "an error occurrence output unit for outputting an indication of the error occurrence of a specified type of error in a case where the successive occurrence number of each type of error counted by the error/occurrence number counting unit and the threshold occurrence number of each type of error set by the error/threshold occurrence number setting unit are compared to find that the successive occurrence number of the specified type of error is equal to the threshold occurrence number of the specified type of error," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025).

6. Regarding claim 2:

e. Regarding the limitation of "an error occurrence hysteresis storage unit for storing error occurrence hysteresis information for each of the types of errors," Graichen discloses a system with a historical database that contains historical service information about the system and errors. (Paragraph 0028).

f. Regarding the limitation of "an error occurrence hysteresis output unit for outputting the stored error occurrence hysteresis information," Graichen discloses a system with wherein the historical database is used in comparison to actual data for threshold limits being exceeded. (Paragraph 0029 & 0015).

7. Regarding claim 3:

g. Regarding the limitation of "network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, and output an

indication of an error occurrence that is to be recognized by a user when one or more of a plurality of types of errors relating to a network communication operation occur,” Graichen discloses a system with a network of computer that are connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).

h. Regarding the limitation of “an error group/threshold occurrence number setting unit for setting and storing, for each group of the error groups, a successive occurrence threshold number corresponding to a number of times one or more types of errors belong to the error group are to occur successively before an indication of an error occurrence of the type of error is output,” Graichen discloses a data repository for storing predicted failure occurrences for an error. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

i. Regarding the limitation of “an error/occurrence number counting unit for counting, for each type of the types of errors, the number of successive occurrences of the type of error,” Graichen discloses a system with a time limit representative of a

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threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015).

j. Regarding the limitation of "an error group occurrence output unit for outputting an indication of the error occurrence of a specified error group in a case where the successive occurrence number of each error group counted by the error/occurrence number counting unit and the threshold occurrence number of each error group set by the error/threshold occurrence number setting unit are compared to find that the successive occurrence number of the specified error group is equal to the threshold occurrence number of the specified error group," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025).

8. Regarding claim 4:

k. Regarding the limitation of "an error occurrence hysteresis storage unit for storing error occurrence hysteresis information for each of the types of errors," Graichen discloses a system with a historical database that contains historical service information about the system and errors. (Paragraph 0028).

l. Regarding the limitation of "an error occurrence hysteresis output unit for outputting the stored error occurrence hysteresis information," Graichen discloses a system with wherein the historical database is used in comparison to actual data for threshold limits being exceeded. (Paragraph 0029 & 0015).

9. Regarding claim 5:

m. Regarding the limitation of "network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, and output an indication of an error occurrence that is to be recognized by a user when one or more of

a plurality of types of errors relating to a network communication operation occur,” Graichen discloses a system with a network of computer that are connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).

n. Regarding the limitation of “an specified error/threshold occurrence number setting unit for setting and storing, for a specified type of the types of errors, a successive occurrence threshold number corresponding to a number of times the specified type of the types of errors is to occur successively before an indication of an error occurrence of the specified type of the types of errors is output,” Graichen discloses a data repository for storing predicted failure occurrences for an error. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

o. Regarding the limitation of “an specified error/occurrence number counting unit for counting, for each type of the types of errors, the number of successive occurrences of the specified type error,” Graichen discloses a system with a time limit representative



of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015).

p. Regarding the limitation of "an specified error occurrence output unit for outputting an indication of the error occurrence of a specified type of error in a case where the successive occurrence number of each type of error counted by the specified error/occurrence number counting unit and the threshold occurrence number of the specified type of the types of errors set by the specified error/threshold occurrence number setting unit are compared to find that the successive occurrence number of the specified type of error is equal to the threshold occurrence number of the specified type of error," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025).

10. Regarding claim 6:

q. Regarding the limitation of "an error occurrence hysteresis storage unit for storing error occurrence hysteresis information for each of the types of errors," Graichen discloses a system with a historical database that contains historical service information about the system and errors. (Paragraph 0028).

r. Regarding the limitation of "an error occurrence hysteresis output unit for outputting the stored error occurrence hysteresis information," Graichen discloses a system with wherein the historical database is used in comparison to actual data for threshold limits being exceeded. (Paragraph 0029 & 0015).

11. Regarding claim 7:

s. Regarding the limitation of "an unspecified error/threshold occurrence number setting unit for setting and storing, for a unspecified type of the types of errors, a successive occurrence threshold number corresponding to a number of times the

unspecified type of the types of errors is to occur successively before an indication of an error occurrence of the unspecified type of the types of errors is output," Graichen discloses a data repository for storing predicted failure occurrences for an error.

(Paragraph 0025). Graichen does not disclose that multiple differ types of errors.

However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics.

(Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

t. Regarding the limitation of "an unspecified error/occurrence number counting unit for counting, for each type of the types of errors, the number of successive occurrences of the unspecified type error," Graichen discloses a system with a time limit representative of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015).

u. Regarding the limitation of "an unspecified error occurrence output unit for outputting an indication of the error occurrence of a unspecified type of error in a case where the successive occurrence number of each type of error counted by the unspecified error/occurrence number counting unit and the threshold occurrence number of the unspecified type of the types of errors set by the unspecified error/threshold occurrence number setting unit are compared to find that the successive occurrence

number of the unspecified type of error is equal to the threshold occurrence number of the unspecified type of error," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025).

12. Regarding claim 8:

v. Regarding the limitation of "an error occurrence hysteresis storage unit for storing error occurrence hysteresis information for each of the types of errors," Graichen discloses a system with a historical database that contains historical service information about the system and errors. (Paragraph 0028).

w. Regarding the limitation of "an error occurrence hysteresis output unit for outputting the stored error occurrence hysteresis information," Graichen discloses a system with wherein the historical database is used in comparison to actual data for threshold limits being exceeded. (Paragraph 0029 & 0015).

13. Regarding claim 9:

x. Regarding the limitation of "providing an error occurrence indication to a user in a network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, the error occurrence indication being output when one or more of a plurality of types of errors relating to a network communication operation occur," Graichen discloses a system with a network of computer that are connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).

y. Regarding the limitation of "comparing a successive occurrence count number and a predetermined threshold occurrence number of a each of the types of errors," Graichen discloses a system with a time limit representative of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit

for the data set. (Paragraph 0015). Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

z. Regarding the limitation of "outputting an error occurrence indication of the specified type of error when it is determined in the comparing step that the successive occurrence count number is equal to the predetermined threshold occurrence number," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen disclose alerting a system administrator upon the threshold limit being reached. (Paragraph 0025).

14. Regarding claim 10:

aa. Regarding the limitation of "providing an error occurrence indication to a user in a network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, the error occurrence indication being output when one or more of a plurality of types of errors relating to a network communication operation occur," Graichen discloses a system with a network of computer that are

connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).

bb. Regarding the limitation of "comparing a successive occurrence count number and a predetermined threshold occurrence number of a each of error groups into which the types of errors are categorically grouped," Graichen discloses a system with a time limit representative of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015).

Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

cc. Regarding the limitation of "outputting an error occurrence indication of the specified error group when it is determined in the comparing step that the successive occurrence count number is equal to the predetermined threshold occurrence number," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen disclose alerting a system administrator upon the threshold limit being reached. (Paragraph 0025).

15. Regarding claim 11

dd. Regarding the limitation of "providing an error occurrence indication to a user in a network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, the error occurrence indication being output when one or more of a plurality of types of errors relating to a network communication operation occur," Graichen discloses a system with a network of computer that are connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).

ee. Regarding the limitation of "comparing a successive occurrence count number and a predetermined threshold occurrence number of a unspecified type of error," Graichen discloses a system with a time limit representative of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015). Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

- ff. Regarding the limitation of "outputting an error occurrence indication of the unspecified type of error when it is determined in the comparing step that the successive occurrence count number is equal to the predetermined threshold occurrence number," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen disclose alerting a system administrator upon the threshold limit being reached. (Paragraph 0025).
16. Regarding claim 12:
- gg. Regarding the limitation of "providing an error occurrence indication to a user in a network communication terminal apparatus that is adapted to exchange data with a counterpart apparatus via a network, the error occurrence indication being output when one or more of a plurality of types of errors relating to a network communication operation occur," Graichen discloses a system with a network of computer that are connected and a predictive reliability system that analyzes data across the system and predicts errors that might occur. (Paragraphs 0005-0006).
- hh. Regarding the limitation of "comparing a successive occurrence count number and a predetermined threshold occurrence number of a unspecified type of error," Graichen discloses a system with a time limit representative of a threshold for deciding whether to run an analysis case when no new failure have occurred and a set filter limit for the data set. (Paragraph 0015). Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen does not disclose that multiple differ types of errors. However, Ali discloses a system of error statistics collection in which different types of errors can be gathered and analyzed during an interval to form different error statistics. (Lines 1-15 and 52-55 of Column 5). It would have been obvious to one of ordinary skill in the art at

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the time of the invention to combine the predictive reliability system of Graichen with the data collection of Ali. One would have been inclined because Graichen discloses the need to analyze grouping and sub-grouping of the system in different manners to better analyze the system performance. (Paragraph 0015, second half of the paragraph). Ali fulfils this need by collecting data for multiple different types of errors. (Lines 52-55 of Column 5).

ii. Regarding the limitation of "outputting an error occurrence indication of the unspecified type of error when it is determined in the comparing step that the successive occurrence count number is equal to the predetermined threshold occurrence number," Graichen also discloses a system comparing the actual value against a predicted value to see if a threshold is crossed. (Paragraph 0025). Graichen disclose alerting a system administrator upon the threshold limit being reached. (Paragraph 0025).

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.

- The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
- The examiner can be reached at: **571-272-3654**.

18. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Scott Baderman**.

- The supervisor can be reached on **571-272-3644**.

19. The fax phone numbers for the organization where this application or proceeding is assigned are:

- **703-872-9306 for all patent related correspondence by FAX.**



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20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **571-272-2100**.

22. Responses should be mailed to:

- **Commissioner of Patents and Trademarks**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Tim Bonura  
Examiner  
Art Unit 2114

September 11, 2006

A handwritten signature in dark ink, appearing to read 'Tim Bonura', with a stylized flourish at the end.